

MINUTES

MINUTES OF THE REGULAR SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON TUESDAY, OCTOBER 17, 2023, AT 7:00 PM AT COUNCIL CHAMBERS LOCATED AT 915 S. TOVREAVILLE ROAD, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR BUDGE AT 7:02PM.

ROLL CALL

COUNCIL

Councilmember Juanetta Hill, Ward III

Councilmember Joni Giacomino, Ward II

Councilmember Frank Davis, Ward I

Mayor Ken Budge

Councilmember Leslie Johns, Ward I

Councilmember Mel Sowid, Ward II

Excused

Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Stephen J. Pauken, City Manager

Keri Bagley, Finance Director

Joelle Landers, Personnel Director

Matthew Gurney, Public Works Director

Jay Ritchie, Deputy Police Chief

Jim Richardson, Fire Chief

Melissa Hartman, City Planner

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to think about the situation in the Middle East.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge spoke about the cross that had been taken from St. Patrick's Church yesterday. He asked if you know or hear anything about this to let the police know.

CALL TO THE PUBLIC

- Nolan Gouguet, Bisbee resident spoke regarding the Bisbee Police Department.

THE FOLLOWING ITEMS WERE DISCUSSED, CONSIDERED AND/OR DECIDED UPON AT THIS MEETING:

GENERAL BUSINESS:

1. ACCOUNTS PAYABLE: Subject to availability of funds.

MOTION: Councilmember Cline moved to approve accounts payable in the amount of \$261,695.28.

SECOND: Councilmember Johns

Council asked questions about accounts payable, and staff responded to each question.

2. Approval of the Consent Agenda

- A. Approval of the minutes of the Regular Session of Mayor and Council held on Tuesday, October 3, 2023.

Ashlee Coronado, City Clerk

- B. Approval of the Appointment of Sandra Michel to the Evergreen Cemetery Committee.

Ashlee Coronado, City Clerk

MOTION: Councilmember Johns moved to approve the Consent Agenda items 2A-2B.

SECOND: Councilmember Sowid

MOTION PASSED: UNANIMOUSLY

OLD BUSINESS

3. Discussion and Possible Approval to eliminate late fees for overdue library materials for all patrons by permanently adopting Resolution R-23-04 amending the Library Section relating to Library Fines of the City Fee Schedule.

Jason Macoviak, Library Manager

Mayor Budge would like to put this on hold until the next meeting and requested the data be included in their council packets in written form.

MOTION: Mayor Budge moved to table until the next meeting.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

4. Discussion and Possible Approval of Ordinance O-23-14; Amending the code of the City of Bisbee Article 3.5.20 Bid Protest, Subsection 3.5.20(A) Filing of a Protest by defining an “Interested Party” in Subsection 3.5.20(A)(1); Providing for the repeal and Severability.

Joe Estes, City Attorney

Mr. Estes stated this was an amendment to the code to address and clarify the bid protest procedures; in order to file an actual bid protest, you have to be associated with or have a financial investment in the bid that was being protested. Otherwise, if you leave it open and available for anybody to protest any bid then you can essentially shut down city government by constantly dealing with protest on procurements, contracts, things, and there are ways for individual members of the public to express their feelings on various procurements and contracts. We have Call to the Public and the opportunity to present comments on specific agenda items so it’s in no way limiting the ability for anybody to address Council with regards to concerns with regard to contracts and procurements.

Mayor Budge read into the record a letter sent in by Jeff Harris a Warren resident, who was unable to attend the meeting regarding this matter.

Mr. Estes addressed some of the comments from Mr. Harris’s letter.

MOTION: Councilmember Davis moved to approve adopt Ordinance O-23-14; Amending the code of the City of Bisbee Article 3.5.20 Bid Protest, Subsection 3.5.20(A) Filing of a Protest by defining an “Interested Party” in Subsection 3.5.20(A)(1); Providing for the repeal and Severability.

SECOND: Councilmember Cline

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Davis, Johns, Sowid, Cline, and Mayor Budge

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

NEW BUSINESS

5. Discussion and Possible Approval of Resolution R-23-13: A Resolution of the Mayor and Council of the City of Bisbee, Approving the Transfer of Budget Funds within the City of Bisbee Fiscal Year 2022-2023 Budget.

Keri Bagley, Finance Director

Ms. Bagley stated this was the fiscal year 2023 budget adjustment we are required to record as part of our year end closing entries these adjustments are not moving funds around it was just changing what we estimated we would spend to cover actual expenditures for any departments or funds that went over the original budget estimate; not all costs can be anticipated at the time we make the budget. This does not allow us to spend more than we budgeted; lets us make budget adjustments. She listed the adjustments.

MOTION: Councilmember Johns moved to approve Resolution R-23-13 approving the transfer of budget amounts within the City of Bisbee for Fiscal Year 2022-2023.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

6. Discussion and Possible Approval of the Acceptance of the Safety Enhancement Stipend (SES) Assistance Program awarded to Bisbee Police Department in the amount of \$15,000 from the 100 Club of Arizona for the purchase of 10 Ballistic Shields.

Jay Ritchie, Deputy Police Chief

Deputy Police Chief Ritchie stated they were seeking approval for the acceptance of the Safety Enhancement Stipend (SES) Assistance program. The shields will be provided by Nevada Tactical; the shields are designed for the protection and safety of officers who are engaged in high-risk situations. They would be an additional layer of protection and would be issued as part of each officer's patrol kit.

MOTION: Councilmember Cline moved to approve the acceptance of the Safety Enhancement Stipend (SES) assistance program awarded to Bisbee Police Department in the amount of \$15,000 from the 100 Club of Arizona for the purchase of 10 Ballistic Shields.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

7. Discussion and Possible Approval to purchase a Pentair 10 HP Commercial Pump and 22 Aquarite bubblers from Pentair's approved dealer "Thunder Mountain Pools Inc".

Matthew Gurney, Public Works Director

Mr. Gurney stated this was to purchase the Pentair 10 HP pump for our Bisbee pool; Thunder Mountain Pool Company was the recommended dealer for this area this also includes 22 of the bubblers which are the inlet return covers.

MOTION: Mayor Budge moved to approve to purchase a Pentair 10HP commercial pump and 22 Aquarite bubblers for the Bisbee Swimming Pool.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

8. Discussion and Possible Approval to purchase a Mobile Column Lift, 76,000 lb. capacity under Sourcewell contract #013020-MRL.

Matthew Gurney, Public Works Director

Mr. Gurney said these were four separate lifts that go under each tire of a vehicle; garbage trucks and city bus. At this time, we have no way of lifting these vehicles and have had to send them to Sierra Vista.

MOTION: Councilmember Johns moved to approve the purchase of a Mobile Column Lift, 76,000 lb. capacity under Sourcewell contract #013020-MRL.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

9. Discussion and Possible Approval to purchase Buyers Products Tailgate Spreader for Public Works Street Department.

Matthew Gurney, Public Works Director

Mr. Gurney said they are asking to purchase this salt/sand spreader; this spreader was stainless steel so there would not be a problem with rust.

MOTION: Councilmember Davis moved to approve to the purchase of the Buyers Products Tailgate Salt/Sand Spreader from Grainger.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

10. Discussion and Possible Direction to staff to negotiate with Freeport McMoran to obtain an easement behind Cochise Row through Mill Road on the Railroad bed.

Joni Giacomino, Councilmember Ward II

Leslie Johns, Councilmember Ward I

Councilmember Giacomino said she was contacted by people in her ward with the concern of their loss of accessibility behind their homes from Cochise Row all the way through Mill Road. She read statements into the record regarding this issue from citizens in this area.

The following spoke regarding the loss of accessibility behind Cochise Row through Mill Road:

- Jerry Nollsch, 300 Mill Road
- Alan McDonald, 216 Mill Road
- Willow Quimby, 204 Mill Road
- Ron Wolhart, 217 Douglas Street

Mayor Budge said a letter was sent that Freeport would work with individual property owners with legitimate access needs to the corridor on a case-by-case basis.

Mr. Estes said there are some legal questions and concerns with the city getting involved in property issues between multiple private property owners. He explained it would set a bad precedent for the city to start getting involved in private property disputes opening the flood gate. He stated there were ways the city could help facilitate conversations between the parties to address the private property concerns.

Mr. Pauken said city staff was willing to facilitate discussion between individual property owners to include Freeport McMoRan. Staff's roll would be to assist in convening meetings and act as a negotiator. He stated they should call him at 432-6014, which was his office number; will need name, address, phone number, email address, and any information that could be provided. Staff will make the arrangements to have meetings.

Mayor Budge made the recommendation for this direction.

Mr. Pauken made the disclaimer that we would not be representing individual property owners should litigation result from any of these discussions.

11. Discussion and Possible Approval of Ordinance O-23-15; an ordinance of the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, authorizing the sale and transfer of certain property located at 416 N Street, City of Bisbee, County of Cochise, State of Arizona under the city's workforce housing initiative; authorizing the taking of all other actions necessary for the consummation of the transaction contemplated by this ordinance and declaring an emergency.

Stephen Pauken, City Manager

Ms. Hartman said this was a brand-new build which sold for \$140,000.00. The program was working very well and at the moment we don't have any available, we have two (2) more in the works and one (1) should be ready in the next one (1) to three (3) months.

Councilmember Johns thanked Ms. Hartman for all her work on the Workforce Housing.

MOTION: Councilmember Johns moved to approve Ordinance O-23-15; an ordinance of the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, authorizing the sale and transfer of certain property located at 416 N Street, City of Bisbee, County of Cochise, State of Arizona under the city's workforce housing initiative; authorizing the taking of all other actions necessary for the consummation of the transaction contemplated by this ordinance and declaring an emergency.

SECOND: Mayor Budge

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Davis, Johns, Sowid, Cline, and Mayor Budge

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

12. Discussion and Possible Approval to enter into a construction contract with BFL Construction Co., Inc. of Tucson to build a new City Hall at 118 Arizona Street.

Stephen Pauken, City Manager

Ken Budge, Mayor

Mayor Budge stated that October 11th was the sixth-year anniversary that our city hall burnt down. This one came in still high but lower than the lowest one we had last time. This will not be any cheaper and if we don't pull the trigger now we are going to be never, and we'll never be able to afford it. Our community and our employees deserve a place.

Council commented and asked questions regarding the construction of a new City Hall and staff answered.

MOTION: Mayor Budge moved to declare BFL Construction Co., Inc. as the lowest bidder and enter into a contract to construct a new building at 118 Arizona Street in an amount not to exceed \$3,997,898.00.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

14. City Manager's Report:

- Deputy Police Chief stated that body cams have been issued to officers and they are fully operational out in the field.
- Mr. Pauken spoke about Police Chief Tim Cox being a leader of our Police Department.

13. Discussion and Possible Approval of a Motion to Go into Executive Session Pursuant to A.R.S. § 38-431.03(a)(1) for Consideration of the Employment and Appointment of a City Manager.

Per ARS § 38-431.03(a)(1), the City Council may vote to go into executive session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body.

Ken Budge, Mayor

MOTION: Mayor Budge moved to enter into Executive Session Pursuant to A.R.S. § 38-431.03(a)(1) for Consideration of the Employment and Appointment of a City Manager.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Johns moved to come out of Executive Session.

SECOND: Councilmember Hill

MOTION PASSED: UNANIMOUSLY

14. City Manager's Report:

COUNCIL COMMENTS OR FUTURE AGENDA ITEM SUGGESTIONS: (Council members may suggest topics for future meeting agendas, but Council will not here discuss, deliberate, or take any action on these topics.):

MOTION: Councilmember Davis moved to adjourn the meeting.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 9:15PM

Ken Budge, Mayor